

IN THE SENATE OF THE UNITED STATES.

MARCH 10, 1880.—Ordered to be printed.

Mr. CALL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 963.]

*The Committee on Pensions, to whom was referred the bill (S. 963) granting a pension to Theodore Rauthe, beg leave to submit the following report:*

That the said Theodore Rauthe enlisted as a private in Company K, Thirteenth New York Cavalry, January 5, 1864, and was mustered out September 21, 1865. That in January, 1865, while on horseback engaged in picket duty, his feet were frost-bitten. When he returned to camp and attempted to dismount he was unable to stand upon his feet, and was therefore taken to the camp hospital for treatment. Although afterwards returning to duty, yet he always complained of his feet. Shortly after his discharge from the Army, on the approach of cold weather, his feet broke open and he was taken to Harewood Hospital, Washington, D. C., where both of his legs were amputated. The foregoing statement is clearly proven by the following, with other testimony:

Six comrades of Rauthe's swear positively that he was severely frost-bitten while on picket duty in January, 1865, and was laid up therefrom in camp hospital. That he was discharged the service in September, 1865, and that shortly afterwards, when the weather grew colder, his feet broke open and he was admitted to Harewood Hospital.

The sergeant of the company in which Rauthe served testifies that he (Rauthe) was a very good soldier, but had often to be excused from duty on account of his feet, which, he understood, were frost-bitten while on picket duty.

Proof from the Surgeon-General's office shows that he was admitted to Harewood Hospital in the winter of 1865-'66, and that his feet had to be removed, after they had nearly separated by sloughing.

A physician, now a resident of Troy, N. Y., but an Army surgeon in 1865-'66, says he recollects seeing Rauthe in Harewood Hospital, and that his impression always was that his feet were frozen while in the line of duty.

On the above showing the Pension Office granted him a pension for the loss of both legs, which was afterwards discontinued, because, as the Pension Office claims, the disabilities were not received in the line of duty.

The only proof in support of that assertion appears to be the testimony of a man who swears that in December, 1865, he found Rauthe in one of his barns in Prince George's County, Md., nearly frozen to death, and that he removed him to the county poor-house on the following day. He also states that Rauthe could not have been very long in his barn

when he found him, as the weather was very cold, and that he cared for him that night and found his feet in a very bad condition. He further states that he does not know in what condition Rauthe's feet were previous to his appearance in the barn.

Inasmuch as it is clearly proven that Rauthe's feet were frost-bitten while on duty, it follows that the disabilities under which he now claims a pension originated in the line of duty, although subsequent exposure may have complicated the original injuries.

Your committee, therefore, consider the testimony on which Rauthe's name was dropped from the pension-roll *insufficient*, and recommend the passage of the accompanying bill.